

DEP & AEF



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Chu et al.  
Serial No. : 09/766,789  
Title : Computer-Implemented Dimension Engine  
Filed : January 22, 2001  
Group Art Unit : 2168  
Examiner : Harold E. Dodds  
Attorney Docket No.: 343355600020

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on July 6, 2006

**REQUEST FOR REFUND**

By: Kathleen Kopczyk

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby request a REFUND in the amount of \$1,090.00 for the above-referenced application. The fee that was charged to Jones Day's Deposit Account No. 501432 on June 2, 2006, a copy of the deposit account statement is enclosed, was for a four-month extension of time fee. However, the Appeal Brief fee in the amount of \$500 was not charged to Jones Day's Deposit Account No. 501432. The extension fee is not applicable, since the Appeal Brief was submitted to the U.S. Patent and Trademark Office on the one-month date or May 4, 2006, from the Notice of Panel Decision from Pre-Appeal Brief Review dated April 4, 2006. Copies of the stamped postcard for the Appeal Brief and the Notice of Panel Decision from Pre-Appeal Brief Review are enclosed. As indicated in the Notice, Applicants had either one month from the decision, or the two-month time period running from the receipt of the Notice of Appeal,

whichever is greater. Since May 4, 2006 is greater than January 16, 2006, the extension fee in the amount of \$1,090.00 should be refunded to Jones Day's Deposit Account No. 501432.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John V. Biernacki", written over a horizontal line.

John V. Biernacki

Reg. No. 40,511

Jones Day

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

216/586-3939

Date: July 6, 2006



**United States  
Patent and  
Trademark Office**



**Deposit Account Statement**

<b>Requested Statement Month:</b>	June 2006
<b>Deposit Account Number:</b>	501432
<b>Name:</b>	JONES DAY
<b>Attention:</b>	PAT JANIK
<b>Address:</b>	901 LAKESIDE AVENUE
<b>City:</b>	CLEVELAND
<b>State:</b>	OH
<b>Zip:</b>	44114
<b>Country:</b>	UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
06/01	17	60797972	495263-010050	2005	-\$100.00	\$21,195.00
06/01	17	11421185	555255-012911	1011	\$300.00	\$20,895.00
06/01	18	60797972	495263-010050	2085	-\$125.00	\$21,020.00
06/01	18	11421185	555255-012911	1111	\$500.00	\$20,520.00
06/01	19	60797972	495263-010050	1005	\$200.00	\$20,320.00
06/01	19	11421185	555255-012911	1311	\$200.00	\$20,120.00
06/01	20	11421185	555255-012911	1202	\$200.00	\$19,920.00
06/01	169	11442729	941674-999008	2011	\$150.00	\$19,770.00
06/01	170	11442729	941674-999008	2111	\$250.00	\$19,520.00
06/01	171	11442729	941674-999008	2311	\$100.00	\$19,420.00
06/01	172	11442729	941674-999008	2201	\$200.00	\$19,220.00
06/01	173	11442729	941674-999008	2081	\$125.00	\$19,095.00
06/01	377	11421254	555255-012912	1011	\$300.00	\$18,795.00
06/01	378	11421254	555255-012912	1111	\$500.00	\$18,295.00
06/01	379	11421254	555255-012912	1311	\$200.00	\$18,095.00
06/01	380	11421254	555255-012912	1202	\$100.00	\$17,995.00
06/01	457	11421272	555255-012913	1011	\$300.00	\$17,695.00
06/01	458	11421272	555255-012913	1111	\$500.00	\$17,195.00
06/01	459	11421272	555255-012913	1311	\$200.00	\$16,995.00
06/01	460	11421272	555255-012913	1202	\$300.00	\$16,695.00
06/02	1	10982461	555255012808	1201	\$600.00	\$16,095.00
06/02	2	10982461	555255012808	1202	\$50.00	\$16,045.00
06/02	4	09766789	343355600020	1254	\$1,590.00	\$14,455.00
06/02	42	11443710	003884-630034	2011	\$150.00	\$14,305.00
06/02	43	11443710	003884-630034	2111	\$250.00	\$14,055.00
06/02	44	11443710	003884-630034	2311	\$100.00	\$13,955.00
06/02	45	11443710	003884-630034	2202	\$50.00	\$13,905.00
06/02	46	11443709	003884-630037	2011	\$150.00	\$13,755.00
06/02	47	11443709	003884-630037	2111	\$250.00	\$13,505.00
06/02	48	11443709	003884-630037	2311	\$100.00	\$13,405.00
06/02	49	11443709	003884-630037	2201	\$100.00	\$13,305.00



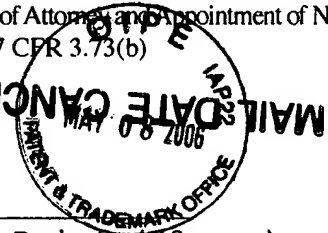
Express Mail No.: \_\_\_\_\_  
Docket No.: 343355-600020  
Application No.: 09/766,789  
Patent/Registration No.: \_\_\_\_\_  
Trademark: \_\_\_\_\_

Date Mailed: May 4, 2006  
Applicant: \_\_\_\_\_  
Filing Date: January 22, 2001  
Issue/Registration Date: \_\_\_\_\_  
Title: \_\_\_\_\_

THE USPTO ACKNOWLEDGES AND HAS STAMPED THE DATE OF RECEIPT OF THE ITEMS CHECKED BELOW:

☐ Affidavit (\_\_\_\_ pages)  
☐ Amendment (\_\_\_\_ pages)  
☐ Application Papers  
    \_\_\_\_ sheets of drawing(s) (formal/informal)  
    \_\_\_\_ pages specification  
        \_\_\_\_ pages description  
        \_\_\_\_ pages claims  
        \_\_\_\_ pages abstract  
    \_\_\_\_ pages of PCT Request  
    \_\_\_\_ PCT Calculation sheet  
  
☐ Application Data Sheet  
☐ Assignment (\_\_\_\_ pages)      ☐ Assignment cover sheet  
☐ Declaration (\_\_\_\_ pages)  
☐ Declaration/Power of Attorney (\_\_\_\_ pages)  
☒ Fee Transmittal Form (1 pg.) [1 original  
    \_\_\_\_ IDS & PTO-1449 and      1 copy]  
        \_\_\_\_ cited item(s)  
☐ Provisional Application for Patent cover sheet

☐ Design Patent Application Transmittal  
☐ Utility Patent Application Transmittal  
☐ Issue Fee Transmittal  
☐ Maintenance Fee Transmittal Form  
☐ Notice of Opposition  
☐ Petition for Extension of Time  
☐ Preliminary Amendment (\_\_\_\_ pages)  
☐ Renewal Application (\_\_\_\_ pages)  
☐ Response (\_\_\_\_ pages)  
☐ Revocation of Power of Attorney and Appointment of New Attorney  
☐ Statement Under 37 CFR 3.73(b)  
☐ Specimens  
☐ Statement of Use  
☐ Status Inquiry  
☐ Transmittal Letter  
☐ Check - Amount \$ \_\_\_\_\_  
☒ Other Appeal Brief (23 pp.)





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,789	01/22/2001	Chengwen Robert Chu	343355600020	8356

7590 04/04/2006  
Jones, Day, Reavis & Pogue  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114

EXAMINER


DODDS, HAROLD E

ART UNIT	PAPER NUMBER
----------	--------------

2168

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Application Number</b> 	<b>Application/Control Number</b> 09/766,789	<b>Applicant(s)/Patent under Reexamination</b> CHU ET AL.	
	Harold Dodds	<b>Art Unit</b> 2168	
<b>Document Code - AP.PRE.DEC</b>			

## Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 11/16/2005.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: 5 and 39

Claim(s) rejected: 1-5, 7-38, and 40-63

Claim(s) withdrawn from consideration: \_\_\_\_\_

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Tim Vo.

(2) Joe Dixon.

**TIM VO**  
**PRIMARY EXAMINER**

(3) Harold Dodds.

(4) \_\_\_\_\_